UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
IRSHADULLAH, M

ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/748,837	CURTIS ET AL.
	Examiner	Art Unit	
	M. Irshadullah	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>19 March 2004</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-23</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-23</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All   b) ☐ Some * c) ☐ None of:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____.

       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March

19, 2004 has been entered.

Response to Amendment

2.   The amendment to the claims filed on March 19, 2004 does not comply with the

requirements of 37 CFR 1.121(c) because Applicant failed to provide information about

claim 1 elements e and f as being deleted by strike-through or placing double brackets

before and after the deleted subject matters. Amendments to the claims filed on or after

July 30, 2003 must comply with 37 CFR 1.121(c) which states:

        (c) *Claims*. Amendments to a claim must be made by rewriting the entire claim

with all changes (*e.g.*, additions and deletions) as indicated in this subsection, except

when the claim is being canceled. Each amendment document that includes a change

to an existing claim, cancellation of an existing claim or addition of a new claim, must

include a complete listing of all claims ever presented, including the text of all pending

and withdrawn claims, in the application. The claim listing, including the text of the

claims, in the amendment document will serve to replace all prior versions of the claims,

in the application. In the claim listing, the status of every claim must be indicated after

its claim number by using one of the following identifiers in a parenthetical expression:

(Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented),

(New), and (Not entered).

(1) *Claim listing.* All of the claims presented in a claim listing shall be
presented in ascending numerical order. Consecutive claims having the same status of
"canceled" or "not entered" may be aggregated into one statement (*e.g.*, Claims 1–5
(canceled)). The claim listing shall commence on a separate sheet of the amendment
document and the sheet(s) that contain the text of any part of the claims shall not
contain any other part of the amendment.
(2) *When claim text with markings is required.* All claims being currently
amended in an amendment paper shall be presented in the claim listing, indicate a
status of "currently amended," and be submitted with markings to indicate the changes
that have been made relative to the immediate prior version of the claims. The text of
any added subject matter must be shown by underlining the added text. The text of any
deleted matter must be shown by strike-through except that double brackets placed
before and after the deleted characters may be used to show deletion of five or fewer
consecutive characters. The text of any deleted subject matter must be shown by being
placed within double brackets if strike-through cannot be easily perceived. Only claims
having the status of "currently amended," or "withdrawn" if also being amended, shall
include markings. If a withdrawn claim is currently amended, its status in the claim
listing may be identified as "withdrawn—currently amended."

Appropriate correction is required.

3.   This communication is in response to the amendment filed March 19, 2004.

Summary Of Instant Office Action

4.   Applicant's arguments regarding claims 1-23 rejection under 35 U.S.C. 103,

Office Action mailed December 10, 2003 have been fully considered and are responded

below.

5.   Amendments to claims 1 and 8 have been entered.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Chen et al (SP-to-SP Service Ordering Specification and its implementation, 1998) in

view of Safadi (US Patent 5,847,75 1).

Chen et al teach:

        Claim 1.   A system for supporting the management of an integrated

communications provider (ICP) (Abstract, lines 1-3, 14-18 recited with page 82, lines 7-

9 and Figs. 1, 2, 6. Reference's MSP is the claimed ICP), said system comprising:

        a) a computer processor means for inputting and processing information (Fig. 7,

described page 87, lines 15-30. From the citations, Applicant will appreciably realize

that the reference system were employing a computer which inherently would have a

processor controlling or supporting the functions of inputting, displaying, computation or

processing etc., necessary to the management of an ICP, Chen et al's MSP {ICP} would

use aforementioned functions for managing the provision of TMN services);

b) wherein the computer processor further comprises a graphical user interface

(Fig. 7 {GUI}, page 87, line 29, page 88, lines 10-11) for displaying information or data

entry prompting requests to a human operator (Reference system users including a

human operator would use cited GUI claimed limitations);

c) a pre-order management component **(Page 82, lines 19-22 and page 83,**

lines 10-11 read with lines 18-20, wherein cited pre-ordering phase providing

operations for an MSP making pre-order requests for services, SP class

supporting making pre-order requests and issuing pre-order requests indicating

that citations teach the availability of a program module {component} for

handling pre-ordering or claimed "pre-order management") comprising instructions

for retrieving customer service records from telecommunication service providers,

(aforementioned program would have action statements or codes or instructions

for obtaining {retrieving} customer records: Fig. 6 {customer record} and page 85,

Fig. A {Get customer profile, arrow directing from left MSP to right SSP} and

{Customer profile} being retrieved using Get command from SP or SSP {telco.

service provider, page 82, line 15} as indicated by arrow pointing from right to

left) and parsing said customer service records into reports containing equivalent ICP

services **(page 88, lines 15-17 read with page 80, lines 1-3 {bill provisioning} and**

page 83, line 17 {Sp creating account for billing purposes}. Applicant will

appreciate that reference's "delegating received massages and data to sub-

processes" inferring the system's provisioning of "decomposing or breaking

down or parsing" above discussed customer records or customer service

records into various requisite portions which a user employing reference's "bill"

creating function would prepare bills or reports comprising services available

from the MSP {ICP} or equivalent ICP services. Furthermore, bill itself is a report

comprising items decomposed or broken down or parsed from the customer

services usage transaction records, and a user using said billing function would

craft the claimed report or bill);

e) a circuit management component comprising instructions for creating a

hierarchal list comprising ICP on-net circuit assignments and off-net circuit assignments

(Page 87, lines 9-10, page 80, lines 1-3, page 87, line 13 (software) and Fig. 7

{Database}. Here, cited set of basic processes and software encompassing program(s)

module(s) or components requisite for "handling physically connecting of or providing

circuits for {circuit management} services, such as voice, data, web, leased lines and

VCs or virtual circuits as supported by cited service provisioning including installation

encompassing provision of requisite equipments and physical connectivity or circuiting

thereof. Moreover, Create RFS object, Fig. 4, Create service order object & Create

service object, Fig. 5, page 85 indicating reference's teaching of "creating" function

which function a user would use to entering or creating information relating to

components available with (owned by) MSP (ICP) or on-net {Background, Specification,

page 6, line 4) and components it would acquire from other participating or contracting

partners (SSPs) or off-net {Background, Specification, page 6, line 5) in file or list or

hierarchical list format in the cited database and entering or creating data or information

in file, list or hierarchical list format is one of the basic procedures employed in the

database jargon);

f) wherein said circuit management component {as discussed above} further

comprises instructions for creating a cutover work plan (page 88, line 22 recited with

page 80, lines 1-3. Here, cited pre-order allowing SP to plan services, network resource

requirements etc, indicating reference's teaching "generating or creating plans", service

provisioning indicating availability of "installing new services, or changing services, such

as above discussed voice, data, web, leased lines, VCs etc., from one provider to

another or cutover" and a user would use reference's planning function for "generating

or creating plan relating to said installing new services, or changing services from one

provider to another or cutover plan");

g) wherein said circuit management component {as discussed above} further

comprises an automatic means of receiving requests from trading partners of the ICP

(Fig. 6 {MSP-ICP and SSP}, wherein SSP are contracting {trading} partners and page

81, lines 17-18, page 86, lines 6-11, wherein cited automation a paramount capability

and major functional components including support for automation indicating reference's

teaching automatic function or functionality, which function a user would use for claimed

purpose);

h) wherein said requests from trading partners are either rejected or inserted into

said hierarchal list (Page 85, Fig. A {pre-order reject and order reject} and page 86, line

3 {creation}. Citations clearly show "rejection" by SSP and entering or inserting into

database is inferred as being the alternative option);

i) a design management component **(Page 87, line 13 {software} read with page 82, line 18 and page 85, lines 6-7. Citations infer a program module or component for managing design)** comprising instructions for automatically selecting a communications service model (as discussed above a program is composed of action statements or odes or instructions, and a user would use reference's "automation" function {page 81, lines 17-18 and page 86, line 11} for claimed purpose);

j) decomposing said service model into sub-model components and creating a communications design therefrom (page 88, lines 15-17 and page 82, line 18, page 85, lines 6-7. Reference's "delegating received messages and data to various sub-processing" function inferring "breaking-up or decomposing" and cited design specification indicating reference's teaching of "design" function which functions a user would use for claimed purpose); and

k) wherein said design management component {as discussed above} further comprises instructions {as discussed above} for automatically issuing service requests to ICP trading partners (page 81, line 18, page 85, lines 6-7 recited with page 81, lines 32-33, Fig. 4 {issue a pre-order request as indicated by arrow from MSP or ICP toward SSP} and page 85, Fig. A {place an order and arrow showing MSP toward SSP}).

In the following element:

d) a gateway for transferring information to and receiving information from telecommunication service providers;

Chen et al do not teach the above features:

However, Safadi teaches the same (Fig. 1 {20}, col. 5, lines 35-44. Applicant will appreciate that Safadi's VIPs {video information providers} are the telecom. service providers to VIUs {video information users} through network, abstract, lines 1-3). While Chen et al provide a combined {SP-to-SP} communication {telecommunication} service system to clients or customers, Safadi deals with network structure for providing services from VIPs {video information providers} to remotely located VIUs (video information users} or remote communication {telecommunication} service employing a gateway.

It would have been obvious to one of ordinary skill in the relevant art at the time of applicant's invention to incorporate Safadi's features into Chen et al's system, thereby entailing a comprehensive system for efficiently and optimally providing communications among telecommunication network service providers and also between telecommunication network service requesters and service providers.

Claims 2, 9 and 18.   The system of claims 1/8/15, wherein the customer service records are retrieved using electronic data exchange with said telecommunication service providers (Chen et al: Fig A {Get customer Profile- arrow from MSP to SSP} and SSP {Customer Profile-arrow from SSP to MSP} and use of electronic data interchange {exchange} is inherent, since data are being transferred or exchanged among users' computers or the electronic devices).

Claims 3, 10 and 19.   The system of claims 1/8/15, wherein the gateway

(See discussion of Applicant's claim 1 d) above) conforms to order and billing forum

requirements for electronic data exchange (Chen et al: page 85, line 4 {conform}, page

80, lines 10 and 3 and discussion about electronic data exchange above).

In the following claims:

Claims 4, 11 and 20.   The system of claims 1/8/15, wherein the gateway

comprises instructions for validation checking in conformance with local service ordering

guidelines and access service ordering guidelines established by telecommunication

service providers.

Chen et al teach:

local service ordering guidelines and access service access guidelines

established by telecommunication service providers (page 85, lines 1-2); yet

Chen et al do not teach:

gateway comprises instructions for validation checking.

However, Safadi teaches the same (Col. 5, lines 36 and 38). While Chen et al provide a

combined {SP-to-SP} communication {telecommunication} service system to clients or

customers, Safadi deals with network structure for providing services from VIPs {video

information providers} to remotely located VIUs {video information users} or remote

communication {telecommunication} service employing a gateway.

It would have been obvious to one of ordinary skill in the relevant art at the time of

instant invention to include Safadi's features into Chen et al's system, thereby entailing

a comprehensive system for efficiently and optimally providing communications among
telecommunication network service providers and also between telecommunication
network service requesters and service providers and enabling verification.

Claims 5, 12 and 21.   The system of claims 1/8/15, wherein the design
management component further comprises an optimizing algorithm (Chen et al: page
82, line 18 and page 85, lines 6-7 read with page 87, line 13. Regarding optimizing
algorithm, it is inherent, since optimization is the basic requisite of a program or
algorithm including design management one).

Claims 6, 13 and 22.   The system of claims 1/8/15, wherein the processor
comprises a hosting processor means and a network connectivity means, said network
connectivity means further comprising connectivity to a network selected from the group
of networks including a local area network, the Internet, an intranet, a wireless network,
a wireless local loop network, or a network comprised of combinations of local area
networks, the Internet, intranets, wireless networks, and wireless local loop networks
(Chen et al: Fig. 6 {server}, page 86, line 11, Fig. 7 {SP Server objects}, page 87, line
18 and 28-29, Figs. 4, 5, A, 6-8 depicting network connectivity which would encompass
the claimed forms of networks).

Claims 7, 14 and 23.   The system of claims 6/13/22, wherein the graphical

user interface is displayed using hypertext markup language (Chen et al: Fig. 7 {GUI}

and page 80, line 19 and page 86, line 8).

Claim 8.   A system for managing sales proposals (Chen et al: page 87, lines

1-2) of an integrated communications provider (ICP) (See the discussion of Applicant's

claim 1 preamble above), said system comprising:

a) a computer processor means for inputting and processing information

necessary to the management of an ICP (See the discussion of Applicant's claim 1a)

above);

b) a gateway for transferring information to and receiving information from

telecommunication service providers (See the discussion of Applicant's claim 1d)

above);

c) a pre-order management component comprising instructions for retrieving

customer service records from telecommunication service providers and parsing said

customer service records into reports containing equivalent ICP services (See the

discussion of Applicant's claim 1c) above);

d) a design management component comprising instructions for selecting a

communications service model (See the discussion of Applicant's claim 1i) above);

e) decomposing said service model into sub-model components and creating a

communication services sales proposal therefrom (See the discussion of Applicant's

claim 1j) above and Chen et al: page 87, lines 1-2);

f) wherein subsequent versions of said sales proposal are automatically created (Chen et al: page 80, line 8, page 81, lines 7-9 read with page 81, lines 7-18 and page 87, lines 1-2. Reference's "modeling", "automating" would be used to develop (create) cited proposals (sales proposals) subsequent to a request from a human operator for alternate communication service models (Chen et al: page 81, lines 12-13. Applicant will appreciate that reference's "negotiation" infer back and forth discussion {requests and responses} between the parties involved including an operator {human operator} and said proposal would be developed {created} after one party {customer, MSP etc.} requests so to said operator);

g) wherein said design management component further comprises instructions for automatically issuing service requests to ICP trading partners (See the discussion of Applicant's claim 1k) above);

h) wherein such requests to ICP trading partners comprise requests for local service request, assignment of telephone number request, assignment of Internet protocol address, and requests for data broadband services (Chen et al: page 81, lines 31-33 and page 87, line 9. Applicant will appreciate that "voice" infers telephone number request from local service provider, web infers request for IP address and data encompasses broadband service).

i) wherein said design management component further comprises instructions for creating cutover reports subsequent to acceptance of a sales proposal by a customer (See the discussion of Applicant's claim 1g) relative to design component, 1f) relative to

cutover and 1c) relative to report above. Moreover, a user would employ reference's

billing function for generating or creating text report including the claimed one);

j) a service management component **(Fig. 3 {RFS, Service offer, Service order,**

Service}, page 83, lines 1-23 and page 86, lines 8-10. The citations clearly infer the

presence or availability of some program module or component for handling

services {service management component} and a program or computer program

is basically composed of action statements or codes or instructions) for creating

and tracking work plans **(page 86, line 3, page 87, line 3 and page 81, line 14,**

wherein cited triggering creation of objects, shown workflow illustratig

monitoring service provisioning stages and pre-order request function allowing

SP to plan for services, network resource requirements and issuing proposals

indicating reference's teaching of creating, monitoring, and planning functions

which functions a user would use for "generating or creating", "monitoring or

tracking" SP "plans for services etc. or work plans");

k) wherein said work plans {as discussed above} comprise a work activity event

for performing installation or troubleshooting **(page 80, lines 1-3 and page 87, line 9-**

10 wherein cited "service management" and "fault management" indicating

reference's teaching of service provisioning including installation of services,

fault or trouble detecting or shooting functionality and "Voice, data, web etc."

indicating "services provided or performed by SP to customer or work activity

event", and "leased lines, VCs" indicating "services or work activity events

provided or performed by one SP to another SP for the customer") of each sub-

model component of a telecommunications service provided by the ICP to a customer

(Fig. 2, page 82, lines 7-14. Here, B, C and D and E indicating claimed sub-model

components of services provided by A {ICP} to Customer); and

l) a circuit management component comprising instructions for creating a

hierarchal list of ICP on-net and off-net circuit assignments (See the discussion of

Applicant's claim 1e) above).

Claim 15.   A system for managing sales proposals of an integrated

communications provider (ICP), comprising:

a) a computer processor means for inputting and processing information

necessary to the management of an ICP (See the discussion of Applicant's claim 8a)

above);

b) a gateway for transferring information to and receiving information from

telecommunication service providers (See the discussion of Applicant's claim 8b)

above);

c) a pre-order management component comprising instructions for retrieving

customer service records from telecommunication service providers and parsing said

customer service records into reports containing equivalent ICP services (See the

discussion of Applicant's claim 8c) above);

d) a design management component comprising instructions for selecting a

communications service model (See the discussion of Applicant's claim 8d) above);

e) decomposing said service model into sub-model components and creating a
communication services sales proposal therefrom (See the discussion of Applicant's
claim 8e) above);

f) wherein subsequent versions of said sales proposal are automatically created
subsequent to a request from a human operator for alternate communication service
models (See the discussion of Applicant's claim 8f) above).

Claim 16.   The system of claim 15 wherein the design management
component further comprises instructions for compiling sales proposals from multiple
customer locations into a single consolidated sales proposal (Chen et al: page 82, line
18 recited with page 87, lines 1-2. Reference's "billing, page 83, line 17" function would
be used to combine {consolidate} various proposals into a single one, as will be
appreciated that bill is a combined statement of various transactions and other data).

Claim 17.   The system of claim 15 wherein the created sales proposals
comprise a comparison between existing communication services and ICP provided
services (Chen et al: page 87, lines 1-2 read with page 81, lines 12-13. A user would
employ reference's "comparing" function for claimed limitation).

Response to Arguments

8.   Applicant's arguments filed March 19, 2004 have been fully considered and are
responded below.

Applicant argues that:

      a) Prima facie case of obviousness has not been established.

      In response to this, Applicant is referred to Chen et al's page 81, lines 7-9 recited with line 28 through page 82, line 17, wherein Applicant will appreciably realize that Chen et al describe a plan or framework for ordering telecommunication services requested by a customer from a telecommunications service provider, called Main Service Provider {MSP}, MSP provides some of the requested services, for remainder of the requested services he contacts other service providers, termed as sub-contact services providers {SSP}, and that these and other terminologies are used variously. In the process a service provider, such as MSP, plays the role of service requestor to other service provider(s) as depicted in Fig. 2, described page 82, lines 7-14.

      Moreover, Chen et al's framework or plan is a computer implementation as indicated by the terms client, server, database, GUI, network etc., Fig. 7: Unix/PC Client, SP Client, SP Server objects, Database etc..

      Furthermore, use of above devices or means clearly indicating employment of requisite software, applications, processes, routines, subroutines, modules etc. for controlling and execution of various steps or functions performed relative to the implementation of Chen et al's framework or plan and constituent elements or components thereof.

      Finally, Applicant being highly knowledgeable in computer arts, would appreciate that Chen et al's use of terms or terminology relative to some step(s) of a process, such as pre-ordering or pre-ordering phase providing operations for MSP making pre-order

requests {page 82, lines 19-20}, indicating or implying or inferring availability and

execution of software, application or module or component for controlling or

management of pre-ordering step(s) or process. Applicant would also appreciate that

the software, applications, modules etc., are composed of action statements or codes or

instructions.

In the light of above discussion, it is stated that Chen et al's plan or framework for

ordering telecommunication services teaches or at least reasonably suggests the

claimed software, applications, modules or components for controlling or management

of Applicant's steps or elements a)-c) and e)-m) of claim 1.

Chen et al do not explicitly teach:

gateway comprises instructions for validation checking.

It is where Safadi reference was introduced which teaches the same (Col. 5,

lines 36 and 38), and a more elaborate, reasonably suitable motivation has been

provided in the instant Off Action.

b) The teaching or suggestion to combine the prior arts and reasonable success

must be found in the prior arts and not based on Applicant's disclosure.

In this regard, Applicant is requested to please peruse the motivation relative to

element 1d) provided in this Office Action.

Moreover, In computer and telecommunications arts, gateways are commonly

employed since so long before that a user at the time of Applicant's invention would

consider its use as inherent or at one of ordinary skill in said arts would have been

motivated to advantageously employ the gateway including Safadi's in combination with

Chen et al's SP-to-SP telecommunication services ordering plan or framework to

reasonably achieve Applicant's invention successfully.

c) Chen et al focus on the interface because:

1) How ordering request is processed internally should not be visible at the

interface level,

2) There may be processing systems in place,

3) It is not practical to require existing systems to conform to a standardized

internal behavior.

In this respect, Applicant being highly knowledgeable in computers and

communications arts, would have appreciated subject matter presented in the above

recited lines. However, an elucidation is provided below.

Chen et al's page 84, lines 7-8 and page 85, lines 3-5 recite: The interface

specification for the SP-to-SP service ordering should be focused on the interface

required for the interaction between different service providers for service ordering

purposes. How an ordering request is processed internally should not be visible at the

interface level. The they give reasons why aforesaid internal processing should not be

visible and one of the reason provided by: page 85, lines 3-5: May be existing systems

used by different service providers have basic capabilities for order handling and that it

is not practical for the existing systems to conform to a standardized internal behavior.

In other words, Chen et al's computerized framework or plan utilizes one procedure for

all SP-to-SP users and does not limit or requires each individual SP to use some

standard process; i.e., Chen et al's system is an individual platform independent and

thus it supports all the team player systems no matter what interface they individually

have. In this sense it will be impractical to standardize each of the individual user's

system. Examiner's standpoint is supported by: The prototype (development of a model

which displays the appearance and functionality of a system, an application etc. being

built) is built using JAVA, page 80, line 19 and page 88, line 19 through page 89, line 2.

Applicant must know that JAVA is systems or platform independent and said prototype

is for use by all SP-to-SP or external system not an internal system as construed by the

Applicant.

d) Chen et al's system teaches Applicant's internal process.

Regarding it, Applicant is inverted to the above discussion.

e) Chen et al's framework or plan relating to basic process based on design

principle of encouraging internal working between service providers and avoids over

specifying internal system behaviors.

Relative to this, Applicant is directed to following Case Law:

Although statements limiting the function or capability of a prior art device require

fair consideration, simplicity of the prior art {basic process provision or presentation} is

rarely a characteristic that weighs against obviousness of more complicated device with

added function. In re Dance, 160 F.3d 1339, 1344, 48 USPQ2d 1635, 1638 (Fed. Cir.

1998), MPEP 2143.01

Moreover, Applicant is referred to the discussion at c) above. Chen et al is

avoiding "specifying internal systems behaviors", because, as discussed above, his

main, overall or external system is independent of the internal systems or platforms of the users.

Furthermore, maintaining brevity in papers presented in a conference is a cardinal requisite. Chen et al, therefore, in the reference paper provide basic but crucial aspects of the framework or plan or system for use by a number of SP-to-SP communication or telecommunication service providers between customers and a main service provider {MSP} and among themselves or MSP and SSPs. Chen et al recognizes and hence teaches the complexity his system would handle as indicated by: Many objects might be involved in the SP-to-SP service ordering process, and for maintaining requisite brevity in presentation, they discuss the interface objects for service ordering, page 82, lines 29-30. But they also elucidate that service order process provides an integration point for all major TMN {telecommunication management network} functions and business processes, i.e. cited service order processes play a hub's role and thus it would provide reasonably sufficient understating about their system and components thereof including software, applications, modules required for controlling, execution or management of them.

Thus, Chen et al teach or at least reasonable suggest Applicant's invention as claimed.

f) Applicant's claims must be given their broadest reasonable interpretation consistent with his specification.

In respect to this, Examiner appreciably thanks the Applicant for his exhortation; and respectfully states that this is what the Examiner did and found that Chen et al and

Safadi in combination teach or at least reasonably suggest Applicant's invention as

claimed.

Applicant will, nonetheless, appreciate that limitations of the specification are not

read into the claims to avoid improperly narrowing the scope of claim by implicitly

adding disclosed limitations which would have no express basis in the claims.

In support of above, the Applicant is directed to the following Case Law:

Although the claims are interpreted in light of the specification, limitations from

the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26

USPQ2d 1057 (Fed. Cir. 1993).

g) Inferences drawn by the Examiner from Chen are based on hindsight.

Relating to this, Applicant is reminded of the following Case Law:

In response to applicant's argument that the examiner's conclusion of

obviousness is based upon improper hindsight reasoning, it must be recognized that

any judgment on obviousness is in a sense necessarily a reconstruction based upon

hindsight reasoning. But so long as it takes into account only knowledge which was

within the level of ordinary skill at the time the claimed invention was made, and does

not include knowledge gleaned only from the applicant's disclosure, such a

reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA

1971).

h) Chen et al do not teach pre-order management.

Regarding the above, Applicant is directed to Chen et al's page 82, lines 18-22,

wherein Chen et al provide description of the design or structure of interface objects for

his system for use by their system users or SP-to-SP or telecommunication service providers service orderers.

Again, Applicant being well versed in computers and communications arts terminology, would know that in said arts jargon, interface is defined as a procedures, codes and protocols which enable entities, such as MSPs, SSPs etc., to interact or exchange information with each other (See enclosed page 372, Newton's Telecom Dictionary, 1996).

An interface object is described as something which represents a set of business operations that are performed by an object communicating with the business environment and an interface object in information systems is something which enables communication with one or more actors in the information systems environment (See enclosed page 224, Dictionary of Object Technology, 1995).

Thus, in the light of above discussion, Chen et al's cited defining interface objects for pre-ordering clearly indicating that Chen et al teach availability of vehicles or means for the performance of pre-ordering procedures; i.e., said vehicles or means are software, applications or program modules or components that control or provide management of pre-ordering processes. Support for aforesaid is provided by: Interface operations for the pre-order phase providing operations for MSP to make pre-order requests for services, interface operations phase enabling MSP operations to make service orders, and MSP using pre-ordering interface for querying status of both pre-order and service ordering requests, page 82, lines 19-22.

Moreover, Applicant having adequate knowledge of computers and communications arts, would know that software, applications, program modules or components are composed of action statements, codes or instructions, such as statements or instructions for Getting, obtaining or retrieving some information, like Get Customer Profile, Get service list etc., Fig A, page 85 and said Customer Profile, service list etc. representing Customer Record, Fig. 6, page 86.

Furthermore, regarding claimed customer records Applicant is referred to Chen et al's page 80, line 3, wherein reference teaches process for billing and page 83, line 17, wherein Chen et al tech An Account class representing an account the SP uses for billing for the telco services provided to the clients or customers. A customer service record is defined a print out or computer print out detailing charges billed by a telco company or service provider, and said bill is a document or report (See enclosed 193, Newton's Telecom Dictionary, 1996).

i) Chen et al do not teach parsing.

Relative to this, Applicant is referred to Chen et al's page 88, lines 15-17, wherein cited SPC receiving messages and data from the client, SPC delegating or distributing or assigning received messages and data to the various internal sub-processes pointing to or inferring Chen et al system's provisioning of a function for "decomposing or breaking down or parsing" said messages and data and then distributing or delegating or assigning them to respective sub-process(es).

As said above, Applicant being knowledgeable in computers and telecommunications arts, ought to know that parsing is an essential basic program or

function in computer operations and hence computerized telecommunications, and that

said function or program is used for decomposing or break down or parse programs or

information or data into its requisite components (See page 795, The Dictionary of IEEE

Standard Terms, and pages 273-274, Dictionary of Computer and Internet). In this

sense, Chen et al's delegation of received messages and data to sub-processes indeed

indicating or inferring the availability of "decomposing, breaking down or parsing"

function which function a user would use for claimed purpose.

j) Chen simply describing interface objects for an ordering system, not the

software modules speaking to the interface objects and Chen is silent as to how the

information is exchanged over the interface.

In response to this, Applicant is directed to: The service order process providing

an integration point for all major TMN functions and business processes, page 80, lines

5-6. The citation clearly indicating the significance of the order processing, and, as

discussed above, Chen et al employs computer, hence, said order processing pointing

to the provision of software, program module or component which functioning as

integration point, enabling Chen system users communication with or among all TMN

functions or softwares, program modules as well business processes or softwares,

program modules.

Moreover, Chen et al teach the implementation of above discussed ordering

process, Fig. 6, page 86, I6 through page 87, I14. The citation clearly show or teach

how information among Customers, MSPs and SSPs etc., is communicated or

exchanged.

k) Chen is not concerned with pre-transactional sales and marketing decision.

Regarding this, it is noted that Applicant has not claimed above feature, it is

therefore irrelevant whether Chen et al teach the feature or not.

Also, Applicant is reminded of the following Case Law:

In response to applicant's argument that the references fail to show certain

features of applicant's invention, it is noted that the features upon which applicant relies

are not recited in the rejected claim(s). Although the claims are interpreted in light of the

specification, limitations from the specification {and for that matter from the Remarks}

are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057

(Fed. Cir. 1993).

l) Chen does not teach service management component.

Respecting this, Applicant is referred to Chen et al's page 83, lines 1-23, wherein

the reference teaches SP-to-SP ordering object model and various object classes

representing functions or activities said models are comprised of and used for, such as

SP class, lines 9-11, representing organizations functioning as telco service providers {a

function or an activity}; Customer class representing a customer organization requesting

services from said SPs {another function or activity}; Service class representing a

subscribed service provided by Sub-Contracting service providers or SSP to main

service providers or MSPs {one more function or activity}, and so on. Page 86, lines 8-

10 teach some more functions or activities, like service negotiation agreement or SLA

etc., said functions or activities indicating works or work plans each entity would

perform.

Again, cited phases of service ordering process and their use during different

phases, page 83, lines 22-23, representing sub-models of the service ordering object

model.

Chen et al teach creation, monitoring or tracking functions, page 86, line 3 and

page 87, line 3, which functions a user would employ for claimed purposes.

Chen et al's recitation: Pre-order request {function or program module or

software} allowing service order providers "to plan" for the service and network

resources required and issuing proposals to customers, page 81, lines 14-15, indicating

Chen et al's teaching the provision of "planning" function or functionality, which function

a user would use for generating or creating above discussed plans or work plans

including claimed installation and trouble shooting plans. Installation or installation plans

are evidenced from the recitation: SP interface comprising packages for voice, data,

web etc, services; i. e., SP "providing said services" indicating SP's providing

"installation" thereof. SSPs interface seeing services, such as leased lines, VCs or

virtual circuits, indicating that SSPs provide said services including installation thereof,

page 87, lines 5-10. And Chen et al's fault management, page 8, lines 1-3, indicating

reference's teaching "fault or trouble management or shooting".

m) Chen et al do not teach circuit management component comprising

instructions for creating hierarchical list of ICP on-net and off-net circuit assignments,

creating customer work plan, receiving requests from trading partners, trading partners

rejecting or inserting in the hierarchical list.

In this regard, Applicant is directed to Chen et al's page 80, lines 1-6, wherein cited service order process functioning as hub or integration point for other TMN functions and business processes, such as performance management, fault management and billing & service provisioning of telecommunication management network or TMN service management. As discussed above Chen et al's framework or system is computer implemented, cited "service provisioning" indicating providing services employing requisite software or program module or component allowing telco services control and execute their various services via their computers located at local or remote places. Moreover, cited "service management" relating to telco services indicating providing circuits, such as relating to above discussed voice, data, web, leased lines, VCs etc., and controlling or management thereof. As discussed above, use of computers by the reference indicating implementing said circuit providing and controlling or management thereof through requisite software or program module or component.

Moreover, said voice, data etc. services requiring supplying required equipments and their physical connections or circuits by the service providers, and the service providers employ computers, which require software, program module component for controlling or management of said equipments and their physical connections or circuits.

Chen et al, as discussed above, implicitly teach installation of services employing functions or software or program module, which functions or software or program module a user would use for "changes in physical connection or circuit or installing

brand new connections or circuit or cutover" (See page 193, Newton's Telecom Dictionary).

Cited pre-order reject, order reject, page 85, Fig. A and triggering "creation" indicating Chen et al's teaching "rejecting" and "creating" functions, which functions a user would use for claimed purposes.

Regarding requests from trading partners, Applicant is referred to Fig. 2 and page 82, lines 7-14, wherein SPA playing the role of service provider's role for its customer, and playing a customer role for service providers SPB, SPC etc., page 82, lines 10-12. Said SPB, SPC etc. are business or trading partners of SPA who is requesting some services from SPB, SPC etc. business or trading partners.

Relative to automated functioning of above discussed circuit management program module or component, Applicant is referred to: when large numbers of users using Chen et al's system or framework automation and real time capabilities are paramount, page 81, lines 16-18, and ordering process demonstration using JAVA comprising server workflow for the process control and automation, page 86, lines 6-11, indicating reference's teaching "automated or automation" functioning, which function a user would employ for claimed purposes.

Chen et al teach claimed on-net and off-net features as indicated by: network services ordered by a customer are owned and provided by more than one service providers, page 81, lines 30-31, wherein services owned by a service provider is termed as on-net and the services provided by other sub-contract service providers is called off-net (Applicant's specification, Background, page 6, line 4).

Thus, Chen et al teach or at least reasonably suggest the claimed limitations.

Similar reasoning applies for elements k-m of claim 1 and also to claims 8 and

15, since they recite variations of limitations same as of claim 1.

n) Safadi has nothing to do with integration of communication service providers.

Regarding this, Applicant is directed to Safadi's abstract, lines 1-5, it is clearly stated

that Safadi is "a network system structured to deliver or provide communication

services, such as broadcast and interactive digital services over a hybrid distribution

system and **at least a one remote** local site or hub facilitates communication of video

services from VIPs {video information providers} to VIUs {video information users}.

Thus, Safadi provides integration of various communication service providers.

o) VIPs are not communication service providers. In this respect, Applicant ought

to appreciate that VIPs {video information providers} using Safadi's network {abstract,

lines 1-3) provide or communicate video information service to VIUs {video information

users}. Since, VIPs and VIUs are remotely located, in that sense VIPs are considered

telecom service providers. Again, Applicant may like to see Teper et al's col. 7, line 66

through col. 8, line 6.

In the light of above discussion, it is respectfully stated that Applicant's

arguments have been fully considered, deemed unpersuasive and prior rejection is

maintained.

Conclusion

9.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Irshadullah whose telephone number is 703-308-6683. The examiner can normally be reached on 10:00 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 703-305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).
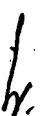
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June 14, 2004

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